



UNITED STATES PATENT AND TRADEMARK OFFICE

14C
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,991	01/04/2002	John K. Junkers	1847	7858

7590 04/01/2003

Striker, Striker & Stenby
103 East Neck Road
Huntington, NY 11743

EXAMINER

MEISLIN, DEBRA S

ART UNIT	PAPER NUMBER
----------	--------------

3723

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/037,991

Applicant(s)

JUNKERS ET AL.

Examiner

Debra S. Meislin

Art Unit

3723

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): rejection of claims 1-4 under 35 USC 112, second paragraph.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1,4 and 5.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on 13 March 2003 is a) ☐ approved or b) ☒ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


Debra S. Meislin
Primary Examiner
Art Unit: 3723

Continuation of 5. does NOT place the application in condition for allowance because: the structure of "the second piston rod" remains unclear in view of the specification and drawings.

To place the application into condition for allowance the following changes are required:

In the specification, page 8, lines 15-16, "one of the pistions...extends to the right" should be changed to --the housing has a rod 20 which extends to the left--.

In the drawings, figure 2, the rod must be labeled using reference numeral "20" (or an appropriate number chosen by applicant). The area of the pistons must also be numbered with corresponding numbers added to the specification. Descriptions must not be added the the drawings.

In claim 5, line 25, "other piston having a second piston rod" should be changed to --housing having a rod--. In line 26, --and slidably extending within said opposite side of said other piston-- should be inserted following "rod".

Claims 1 and 4 should be canceled since the examiner remains of the opinion that the applied references disclose the claimed subject matter as set forth in the previous office action.